

Order

**Michigan Supreme Court
Lansing, Michigan**

December 6, 2005

Clifford W. Taylor,
Chief Justice

ADM File No. 2004-56

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rule 3.925 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments are adopted, effective January 1, 2006.

[The present language is amended as indicated below by
strikeout for text that has been deleted.]

Rule 3.925 Open Proceedings; Judgments and Orders; Records Confidentiality;
 Destruction of Court Files; Setting Aside Adjudications

(A)-(D)[Unchanged.]

(E) Destruction of Court Files and Records. This subrule governs the destruction of court files and records.

(1) Destruction Generally; Effect. The court may at any time for good cause destroy its own files and records pertaining to an offense by or against a minor, other than an adjudicated offense described in MCL 712A.18e(2), except that the register of actions must not be destroyed. Destruction of a file does not negate, rescind, or set aside an adjudication.

(2) Delinquency Files and Records.

(a) The court must destroy the diversion record of a juvenile within 28 days after the juvenile becomes 17 years of age.

(b) The court must destroy all files of matters heard on the consent calendar within 28 days after the juvenile becomes 17 years of age

or after dismissal from court supervision, whichever is later, unless the juvenile subsequently comes within the jurisdiction of the court on the formal calendar. If the case is transferred to the consent calendar and a register of actions exists, the register of actions must be maintained as a nonpublic record.

- (c) Except as provided by subrules (a) and (b), the court must destroy the files and records pertaining to a person's juvenile offenses, ~~other than any adjudicated offense described in MCL 712A.18e(2)~~, when the person becomes 30 years old.
- (d) If the court destroys its files regarding a juvenile proceeding on the formal calendar, it shall retain the register of actions, and, if the information is not included in the register of actions, whether the juvenile was represented by an attorney or waived representation.

(3) [Unchanged.]

(F)-(G) [Unchanged.]

Staff Comment: The December 6, 2005, amendment of MCR 3.925(E)(2)(c) requires that the records and files of all juvenile offenses be destroyed when the person becomes 30 years old, except for the register of actions. The rule previously required that the records and files of certain adjudicated juvenile offenses be retained permanently.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 6, 2005

Corbin R. Davis
Clerk